

REMARKS

In the Office Action issued July 20, 2009, claims 6, 14, 19, and 20 were objected to because of informalities in the claim language. Claims 1, 3, 4, 6-11 and 18-20 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Claims 1, 3, 4, 6-11, 18 and 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim what the applicants regards as the invention. Claims 1, 3, 4, 6-11 14, and 15 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1, 3, 4, 6-11 and 19-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,070,159 issued to Wilson et al. (“Wilson”) in view of a publication by Chen et al. entitled “Merging R-Tree: Effective Strategies for Local Bulk Insertion.” The Applicants have amended claims 1, 7, 14, 15, 18 and 20 to overcome the objections and rejections specified above and claims 6, 9-11 and 19 were cancelled.

The Applicants have amended claims 14 and 20 to remove the informalities identified by the Examiner in connection with the objection to claims 6, 14, 19, and 20. In addition claims 6 and 19 have been cancelled. The Applicants believe that the amendments to claims 14 and 19 overcome the objection to claims 6, 14, 19, and 20. Accordingly, withdrawal of the objection is respectfully requested.

The Applicants have amended claims 1, 18 and 20, and cancelled claims 6 and 19 to overcome the rejection of claims 1, 3, 4, 6-11 and 18-20 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Applicants believe that the amendments to claims 1, 18 and 20, overcome this rejection. Accordingly, withdrawal of the rejection is respectfully requested.

The Applicants have amended claims 1 and 18 and cancelled claims 6 and 19 to overcome the rejection of claims 1, 3, 4, 6-11, 18 and 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim what the applicants regards as the invention. The Applicants believe that the amendments to claims 1 and 18 overcome this rejection. Accordingly, withdrawal of the rejection is respectfully requested.

The Applicants have amended claims 1 and 8 so that they recite the feature of “the entries stored in a database.” The Applicants believe that this amendment overcomes the rejection of claims 1, 3, 4, 6-11 14, and 15 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 14, 18 and 20 have each been amended to recite the features “determining that the plurality of entries would overlap the entries of the child node and buddy child node,” “determining that the child node is a leaf node,” and “replacing nodes with new nodes that include the plurality of entries of the first node and the plurality of new entries.” Wilson nor Chen, either alone or in combination, teaches or suggests the newly added features. Accordingly, claims 1, 14, 18 and 20 are not taught or suggested by the combination of Wilson and Chen.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4545 (5231-155-US01)

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

/Chadwick A. Jackson/

Date: December 22, 2009

Chadwick A. Jackson
Reg. No. 46,495

Hanify & King, Professional Corporation
Intellectual Property Law Department
1055 Thomas Jefferson St N.W., Suite 400
Washington, D.C. 20007
Direct: (202) 403-2102
Fax: (202) 429-4380